

AUGUST 08, 2006 AGENDA REPORTS

Agenda Item No. 10a.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0809

TO: Mayor and City Council Members

SUBJECT: Petitions to construct Paving, Sanitary Sewer and Water improvements in The Fairmont Addition (north of 21st, west of 127th St. East) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petitions.

Background: On August 9, 2005, the City Council approved Petitions to construct paving, sanitary sewer and water improvements in The Fairmont Addition. Based on recent bid prices it doubtful that construction contracts can be awarded within the budgets set by the Petitions. The developer has submitted new Petitions with increased budgets. The signatures on the new Petitions represent 100% of the improvement districts.

Analysis: The projects will serve a new residential development located north of 21st St. North, west of 127th St. East.

Financial Considerations: The existing Petitions total \$497,000 with the total assessed to the improvement districts. The new Petitions total \$648,000 with the total assessed to the improvement districts.

Goal Impact: The projects will address the Efficient Infrastructure goal by providing improvements necessary for a new residential development. They will also address the Economic Vitality and Affordable Living goal by facilitating new residential development that is vital to Wichita's continued economic growth.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Recommendations/Actions: It is recommended that the City Council approve the new Petitions, adopt the Resolutions and authorize the necessary signatures.

Agenda Item No. 14a.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0810

TO: Mayor and City Council

SUBJECT: Agreement to Respread Assessments: Legacy Park Wilson Estates 3rd Addition (south of 21st Street North, west of Webb Road) (District II)

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The landowner, C.V.C. Wichita Associates, L.L.C., platted Legacy Park Wilson Estates 3rd Addition and has submitted an Agreement to respread special assessments within the Addition.

Analysis: The land was originally included in a number of improvement districts for several public improvement projects. The purpose of the Agreement is to respread special assessments to more fairly distribute the cost of the improvements.

Financial Considerations: There is no cost to the City.

Goal Impact: The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Agenda Item No.14b.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0811

TO: Mayor and City Council Members

SUBJECT: Police Explosives Facility Development Contract – Districts -All

INITIATED BY: Police Department

AGENDA: Consent

Recommendation: Approve the Contract.

Background: On April 4, 2006, City Council approved the acquisition of land and the budget for purchase and development of an explosive ordnance disposal facility for the Wichita Police Department due to the need to vacate the Kingsbury Landfill tract. Land was purchased and contracts were signed for a parcel of land bounded by 103rd and 111th Streets South, and 327th and 343rd Streets West.

On June 13, 2006, City Council approved using a Design/Build Project for development of the explosives ordnance disposal facility. Development of the site will include the installation of fencing, building of earthen berms and destruction pits, placement of explosives storage magazines, installation of an access road and electrical utilities, and construction of a prefabricated equipment structure.

Analysis: In accordance with Administrative Regulation 1.2, Contracting for Professional Services, proposals were mailed to design firms in June 2006 (FP600066). Two firms responded as follows: Sutherland Builders and Utility Contractors.

On July 21, 2006, the Staff Screening and Selection Committee convened to review the qualifications of the firms that responded to the proposal. The Staff Screening and Selection Committee provided opportunity to each responding firm to give presentations and answer questions regarding their proposals and experience. Utility Contractors was selected as the consultant for this project based on previous experience and understanding of this project.

On July 24, 2006, the procedures and documentation for Request for Proposal (FP600066) were reviewed by the City's Internal Auditor and Administrative Regulation 1.2 was found to be properly followed.

Financial Considerations: This project is authorized in the 2006 Capital Improvement Program (CIP). The CIP includes \$485,000 for design and construction of improvements to ready the facility for use.

Legal Considerations: The Law Department has approved the Contract as to form.

Recommendations/Actions: It is recommended that the City Council approve the Contract and authorize the necessary signatures.

Agenda Item No. 14c.

City of Wichita
City Council Meeting
August 8, 2006
Agenda Report No. 06-0812

TO: Mayor and City Council Members

SUBJECT: Project Access Contract Renewal

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve contract renewal and authorize necessary signatures.

Background: Since 1999 the City has participated in Project Access, a program that coordinates donated medical services for the uninsured by linking physicians, social service agencies, hospitals, clinics, and area pharmacies. The current contract between the City and the Central Plains Regional Health Care Foundation, Inc. (the non-profit organization responsible for Project Access) provides funds for prescription medications and the coordination of services. The original contract was renewed through August 31, 2006 and has one remaining option to renew for a successive one-year period. A recommendation to renew the contract for a one-year period that runs through August 31, 2007 is being brought before the City Council.

Analysis: It is estimated that 55,000 persons, or 13 % of local population is uninsured. From September 1999 through June 2006, 6,725 individuals have received donated medical care and services through Project Access. During the last seven years Project Access has:

- Provided 134,602 prescriptions worth over \$2.8 million;
- Coordinated donated physicians services worth \$14.8 million; and
- Coordinated donated hospitals services worth \$35.9 million.

During the last three and a half years, pharmaceutical companies have donated \$1.4 million in prescription medicines. Currently 550 physicians, eight hospitals, and 80 pharmacies participate in Project Access.

Financial Considerations: The \$300,000 contract renewal budget is the same amount provided for the 2005/06 contract. Community Services Block Grant funds, received to serve low-income persons, will be used to pay contract costs and the renewal will not obligate general fund monies.

Goal Impact: The City's support of Project Access addresses the goals of Economic Vitality and Affordable Living by providing prescription drugs to the low-income, and Providing a Safe and Secure Community by improving the overall health of its residents.

Legal Considerations: The Department of Law has approved the contract renewal as to form.

Recommendation/Action: It is recommended that the City Council approve renewal of the Project Access Contract and authorize the necessary signatures.

Agenda Item No. 15a.

CITY OF WICHITA
City Council Meeting
August 8, 2006

Agenda Report No. 06-0814

TO: Mayor and City Council Members

SUBJECT: Partial Acquisition of Vacant Land for Right-of-Way at the Northwest Corner of 119th Street West and Pawnee Avenue for the Pawnee Road Improvement Project from 119th Street to Maize Road. (District IV)

INITIATED BY: Office of Property Management

AGENDA: Consent

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Recommendation: Approve the acquisition.

Background: On January 10, 2006, City Council approved a project to improve Pawnee Avenue from 119th Street West to Maize Road. The project will reconstruct Pawnee Avenue to four through lanes with a median for left turn lanes. In addition, a new storm water sewer will be constructed.

Analysis: To accommodate the project, right-of-way must be acquired for a turn lane at the northwest corner of Pawnee Avenue at 119th Street. This particular acquisition is triangular and consists of 1,875 square feet. The owner has agreed to sell that part of the entire property at its appraised value of \$675.00, or \$0.36 square foot.

Financial Considerations: A budget of \$1,025.00 is requested. This includes \$675.00 for the acquisition, \$350.00 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

Goal Impact: The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

Legal Considerations: The Law Department has approved the agreement as to form.

Recommendation/Action: It is recommended that the City Council approve the agreement and authorize the necessary signatures.

Agenda Item No.15b.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0815

TO: Mayor and City Council Members

SUBJECT: Acquisition of Right of Way for Greenwich Road Improvement Project,
26th to 29th Street North (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Dedication.

Background: On June 6, 2006, City Council approved a project to improve Greenwich Road, between 26th and 29th Street North. The project will provide four through lanes and a continuous center two-way left turn lane. The intersection of Greenwich at 29th will be paved with left turn lanes at all four approaches. A storm water sewer will be constructed to improve drainage. The project required additional right-of-way. One tract of necessary right-of-way is owned by Bardabil, Inc. and is located on the Northeast Corner of 29th and Greenwich Road. Bardabil, Inc. is willing to grant the necessary 1.278 acres of Right of Way for this project. Currently 2,320 feet of a barbed wire fence is located on the present right of way line. It will be necessary for the owner to remove the fence and relocate a barbed wire fence on the new right-of-way line. As compensation for the damage to the fence, the owner has agreed to accept \$1,500.

Analysis: Compensation for damages is \$1,500.

Financial Considerations: A budget of \$1,500 is requested.

Goal Impact: This project addresses the Ensure Efficient Infrastructure goal by improving a vital arterial street. It also addresses the Economic Vitality and Affordable Living goal by providing a public improvement necessary for the private sector's development of the surrounding area.

Legal Considerations: The Law Department has approved the documents as to legal form.

Recommendation/Action: It is recommended that the City Council approve the budget and easements; and authorize necessary signatures.

Agenda Item No. 16.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0816

TO: Mayor and Members of the City Council

SUBJECT: Task Force on Ending Chronic Homelessness

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Authorize the City Manager to appoint members to a task force on ending chronic homelessness.

Background: The Community Council on Homeless Advocacy asked the City and County Managers to "establish a committee of influential individuals who are representative of our community's interests to develop a ten-year strategy to end chronic homelessness in our area".

Analysis: The City and County Managers agreed to assume this responsibility by first requesting that the United Way of the Plains take the lead in coordinating a City/County team to engage all of the stakeholders in discussion and development of such a plan/strategy. The United Way agreed and as a first step, prepared a research summary of the current status of the homeless population in Wichita, which includes a review of the best practices from around the country, to address the problem of chronic homelessness.

The next tasks were to identify a chair for the committee and to expand the membership of the task force to include not only 'influential' community members, but also other persons and/or groups who would add value to the discussions. The search for a chair for the committee has resulted in Jack Focht agreeing to take on this responsibility. This action will authorize the appointment of the remaining task force members which will include community and neighborhood leaders, and representatives of homeless services providers, the faith community, the homeless population, City, County and United Way.

Financial Considerations: There is no financial obligation associated with the appointment of the task force, other than the value of staff time as they are called upon to assist the task force in their deliberations.

Goal Impact: The task force's recommendations will impact the Promote Economic Vitality and Affordable Living, Enhance the Quality of Life and Support the Dynamic Core Area and Vibrant Neighborhoods City goals.

Legal Considerations: None.

Recommendations/Actions: It is recommended that the City Council authorize the City Manager to appoint members to a task force on ending chronic homelessness.

Agenda Item No.17

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0817

TO: Mayor and City Council Members

SUBJECT: Application for Street Resurfacing Project for Southwest Boulevard (K-42 Highway), between Hoover and the I-235 Freeway (District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Application.

Background: The Kansas Department of Transportation (KDOT) has available a street resurfacing (KLINK) program for cities which have highway connecting links within the their city limits. The KLINK program is intended for resurfacing improvements on the connecting links, which are maintained by the cities.

KDOT has advised the City of Wichita that KLINK Fiscal year 2009 funds in the amount of \$200,000 are available. The program requires recipient cities to provide matching funding.

Analysis: It is proposed that the KLINK funding be used to resurface Southwest Boulevard (K-42 Highway), between Hoover and the I-235 Freeway.

Financial Considerations: The estimated project cost is \$400,000, with \$200,000 paid the City and \$200,000 paid by KDOT. Funding for the City's share will be programmed in the Street Maintenance Operating budget.

Goal Impact: This project addresses the Efficient Infrastructure goal by providing needed maintenance of a major street in southwest Wichita.

Legal Considerations: None.

Recommendation/Action: It is recommended that the City Council approve the Application and authorize the necessary signatures.

Agenda Item No. 18.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0818

TO: Mayor and City Council

SUBJECT: Naming of Park Land at 44th Street South and the Floodway (District IV).

INITIATED BY: Park and Recreation Department.

AGENDA: Consent

Recommendation: Approve the Park Name

Background: City Council Policy 13 delineates the requirements for naming public facilities "... in accordance with their intended use ...". The policy calls for a seven-member committee consisting of residents appointed by the Mayor and City Council to formulate the recommendation prior to City Council consideration. On March 4, 2003, the City Council approved the official naming committee to be the Board of Park Commissioners.

Analysis: In March of 2003 Bill Gray, Developer, offered to donate a total of 25 Acres for a new park near 44th Street South and the Floodway. The donation was accepted by City Council on March 4, 2003.

The Board of Park Commissioners was asked to consider naming this new park "Alice Wall Memorial Park".

On July 17, 2006, The Board of Park Commissioners unanimously voted, to recommend the City Council name the park "Alice Wall Memorial Park".

Financial Considerations: None

Legal Considerations: None

Goal Impact: Enhance the Quality of Life – This future park will greatly add to the quality of life for the citizens in Southwest Wichita.

Recommendations/Actions: It is recommended that the City Council approve naming the park "Alice Wall Memorial Park".

Agenda Item No. 19.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0819

TO: Mayor and City Council Members

SUBJECT: Sidewalk Repair Assessment Program (All District)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the assessments and ordinance.

Background: State Law and City Policy provide that sidewalk maintenance is the responsibility of abutting property owners. When sidewalk trip hazards are identified, property owners are required to make repairs, either with their contractor or with the City's contractor. Property owners who use the City's contractor have the opportunity to spread the cost over five years as a special assessment.

Analysis: An Ordinance has been prepared to establish authority to use special assessment funding for the current list of repaired sidewalks.

Financial Considerations: Statements of Charges will be mailed to the property owners on August 18, 2006. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the July 2006 bond sold. The principal and interest will then be spread over 5-years and placed on the 2006 tax roll.

Goal Impact: This program addresses the Dynamic Core Area and Vibrant Neighborhoods goal and the Ensure Efficient Infrastructure goal by reducing sidewalk trip hazards and improving the appearance of sidewalks.

Legal Considerations: These assessments are in accordance with City Code 12.18.

Recommendation/Action: It is recommended that the City Council approve the proposed assessments and place the ordinance on first reading.

Agenda Item No. 20.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0820

TO: Mayor and City Council

SUBJECT: Resolution Authorizing Section 5309 Grant from Federal Transit Administration (FTA) (All Districts)

INITIATED BY: Wichita Transit

AGENDA: Consent Agenda

Recommendation: Approve the resolution authorizing filing of grant application.

Background: The Federal Transit Administration (FTA) grant application process requires a resolution by the governing body authorizing staff to file grant applications to receive funds and administer the grant's program. The purpose of this resolution is to authorize staff to file eligible federal funds for the support of the City's transit services for CY2006 Transit Enhancements (pursuant to Section 5309 - Discretionary Funds). The authorized total federal apportionment is \$113,667. An opportunity will be provided for a public hearing and other public input on August 4, 2006. Section 5309 is an 80% federal, 20% local match program.

Analysis: The proposed resolution authorizes funding to support the following:

- Construction of concrete pads for already-purchased new bus shelters and benches
- Installation of said shelters and benches on those concrete pads
- Completion of the improvement of street amenities project

Financial Considerations: The total cost of the project is \$142,084. The federal portion is \$113,667, and the City of Wichita funds required for the project is \$28,417.

Goal Impact: To ensure efficient infrastructure by maintaining and optimizing public facilities and assets.

Legal Consideration: The City's Law Department has reviewed and approved the resolution as to form.

Recommendations/Actions: It is recommended that the City Council approve the resolution and authorize all necessary signatures.

Agenda Item No. 21.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0821

TO: Mayor and Members of the City Council

SUBJECT: Deferred Loan Program

INITIATED BY: Housing and Community Services Department

AGENDA: Consent

Recommendation: Approve the budget transfer.

Background: In 1974 the City Council authorized creation of a Direct Loan Program and a Deferred Loan Program. Both programs provide Community Development Block Grant (CDBG) funds to low and moderate-income families for the rehabilitation of their homes. These homes must be owner-occupied and located within one of the six Local Investment Areas.

In 2000 the Home Improvement Loan Program was created to partner with private lenders by providing an interest subsidy to low and moderate-income families receiving loans to rehabilitate their homes.

Analysis: The increase in neighborhood improvement activities has caused a high demand for the Deferred Loan Program and the Home Improvement Loan Program. In order to address the increase in application requests, it is recommended that funds be transferred from the Direct Loan Program to the Deferred Loan Program and Home Improvement Loan Program.

Financial Considerations: The Direct Loan Program has a current balance of \$231,608 in prior year loan repayments. These repayments can be reprogrammed as program income. Staff recommends the transfer of \$160,000 from the Direct Loan Program, and distribution of \$150,000 to the Deferred Loan Program and \$10,000 to the Home Improvement Loan Program.

Goal Impact: Funding will enhance the goals to Promote Economic Vitality and Affordable Living, Enhance the Quality of Life and Support the Dynamic Core Area and Vibrant Neighborhoods.

Legal Considerations: Any budget transfer of \$10,000 or more requires City Council approval.

Recommendations/Actions: It is recommended that the City Council approve the budget transfer.

Agenda Item No. 23.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0822

TO: Mayor and City Council Members

SUBJECT: Pawnee Improvement, between Meridian and Seneca (District IV)

INITIATED BY: Department of Public Works

AGENDA: Unfinished Business

Recommendations: Approve the project.

Background: The 2005-2014 Capital Improvement Program (CIP) adopted by the City Council includes a project to improve Pawnee, between Meridian and Seneca. District IV Advisory Board sponsored an August 3, 2005, neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project. On January 10, 2006, the City Council deferred action on the project and asked Public Works-Engineering Staff to re-evaluate the drainage improvements associated with the paving project.

Analysis: The project will reconstruct Pawnee to provide four through lanes and a center two-way left turn lane. The east 1,000 feet of the existing pavement will be milled and overlaid with new asphalt pavement for tie-in to Seneca. The available right-of-way will be landscaped. A new storm water sewer system will be constructed as part of the project.

The existing drainage area that currently discharges at the Arkansas River through a storm sewer pipe in Pawnee is 862 acres. This area is generally located from ½ block south of Pawnee to just south of May Street between Custer and Seneca, and from just south of May Street to Kellogg between K-42 Highway and Meridian.

Design work is underway for a Meridian Street Improvement that will include an interceptor storm sewer north of Pawnee, between Meridian and the Arkansas River. It will intercept 415 acres of the existing 862 acre drainage basin. This will effectively increase the capacity of the existing Pawnee drainage system and allow for more curb inlets along Pawnee to increase drainage capability.

Construction is planned in the CIP for 2008, but may begin in 2007 if utilities can be relocated.

Financial Considerations: The current estimated project cost is \$4,900,000 with \$1,300,000 paid by the City and \$3,600,000 by Federal Grants administered by the Kansas Department of Transportation. The Federal funding is pending approval by the Wichita Area Metropolitan Planning Organization. The funding source for the City share is General Obligation Bonds and is programmed in the 2005-2014 CIP.

Goal Impact: This project addresses the Efficient Infrastructure goal by improving traffic flow through a major traffic corridor.

Legal Considerations: The Law Department has approved the authorizing Ordinance as to legal form.

Recommendation/Actions: It is recommended that the City Council approve the project, place the Ordinance on First Reading and authorize the signing of State/Federal agreements as required.

Agenda Item No.24.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0787A.

TO: Mayor and City Council

SUBJECT: Continuance of Public Hearing on the Establishment of a Redevelopment District (Tax Increment Financing) for the Douglas and Hillside Redevelopment Project (District II)

INITIATED BY: City Manager's Office

AGENDA: Unfinished Business

Recommendation: Close the public hearing and take appropriate action.

Background: On July 11, 2006, the City Council opened a public hearing to consider the establishment of a redevelopment district in the area of Douglas & Hillside, to be known as the Douglas & Hillside Redevelopment District, for the purpose of facilitating the use of tax increment financing. The City Council voted to continue the public hearing until August 1, 2006, to allow time for the developer to submit additional financial information showing the need for public funding assistance in order to undertake the proposed redevelopment project.

Analysis: The area proposed for redevelopment is bounded on the south by Douglas Avenue, on the west by Hillside Avenue, on the north by First Street and includes property parcels adjacent to the east of Rutan Avenue, as shown on the map attached to the attached ordinance. This is an area that qualifies as a "conservation area" under the state TIF statutes, in that most of the buildings in the area were built well over 35 years ago, and there are excessive vacancies, building abandonment and signs of dilapidation, obsolescence or deterioration. The area was the site of the original Wichita Clinic Building, which has recently been demolished. In 1988, the building was purchased by the State of Kansas and served as the regional office of the Kansas Department of Social and Rehabilitative Services (SRS). In 1995, the building and adjacent parking lots were purchased by the City of Wichita and Sedgwick County as part of the project to consolidate state agencies into the former Dillard's Building in downtown Wichita. It was sold to Rusty Eck and has remained vacant since 1995.

A local real estate development company, Loveland Properties L.L.C., proposes to purchase the former Clinic/SRS site and other property within the proposed redevelopment district and construct a mixed-use commercial development. The general plan for redevelopment calls for

construction of a high-rise residential condominium building with an attached parking structure, several brownstone-type condominium town homes, a public pocket park, public parking facilities and a commercial retail building located at Douglas and Rutan. Tax increment financing would be used to pay for eligible redevelopment costs, which include (without limitation) land acquisition, demolition, site preparation, utilities, landscaping, paving, and public infrastructure.

Tax increment financing (TIF) allows the increased property tax revenue that results from the redevelopment of under-utilized property to be reinvested in the redevelopment. When a TIF district is established and a redevelopment plan is adopted by City Council, the increased tax revenue is set aside by the County Treasurer and can be used by the City to repay bonds issued to finance eligible improvements that are specified in the redevelopment plan and allowed under state law. Such improvements can be financed with TIF bonds or on a pay-as-you-go basis.

A TIF review team, consisting of staff from the City, County and USD 259 have met with the developer to examine the preliminary details of the proposed redevelopment project and consider whether the project either needs or merits public funding assistance. The developer has given firm assurances that he is not prepared to pursue the project further without the possibility of obtaining public funding assistance through TIF. He asserts that the high cost of land adjacent to the Rusty Eck property, which is necessary for successful completion of the project, cannot be supported by the anticipated cash flows generated by the project. That, and other factors such as rising construction costs and interest rates make this project especially risky. The developer has agreed to develop a financial analysis that clearly demonstrates the need for public funding, and to provide the information to staff prior to the continuance of the public hearing on August 8th.

The Board of County Commissioners and the Board of Education for USD 259 will have 30 days following the closing of the public hearing to determine whether establishment of the district will have an adverse impact on them, effectively precluding the use of tax increment financing. If the County and School District approve, or take no action in that time, the tax increment financing district will be established.

It will still be up to the City Council to approve the ultimate use of tax increment financing by adopting a redevelopment plan for the Douglas and Hillside Redevelopment District that includes tax increment financing. Once a redevelopment plan is adopted and sent to the County Clerk, the tax increment revenue generated by redevelopment will be set aside and deposited into a special fund for its prescribed use. TIF revenue will continue to be set aside in this way until all TIF-financed improvements have been paid, including the retirement of any TIF bonds.

Financial Considerations: The establishment of a redevelopment district will facilitate the use of tax increment financing to pay the cost of a portion of public improvements constructed in conjunction with the proposed Douglas and Hillside redevelopment project. Only if the project is approved, a redevelopment plan adopted, and the specific improvements authorized by Council action, will the tax increment revenues generated in the district will actually be utilized.

Goal Impact: Economic Vitality and Affordable Living and Quality of Life. Redevelopment of blighted areas, and declining areas, are needed to avoid economic stagnation. Business prospects and workers seeking to relocate are attracted to a new city that takes care of its older sections.

Legal Considerations: The ordinance establishing the redevelopment district has been reviewed by the City's Law Department and approved as to form. The City Council may amend the proposed boundaries to reduce the size of the redevelopment district at the time of adoption of the ordinance.

Recommendations/Actions: It is recommended that the City Council close the public hearing and either: 1) place on first reading the ordinance establishing a redevelopment district for the Douglas and Hillside area, or 2) deny the request to establish the redevelopment district.

Agenda Item No. No.25.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0792A.

TO: Mayor and City Council

SUBJECT: Ralph Wulz Riverside Tennis Center Improvements, District VI

INITIATED BY: Department of Park and Recreation

AGENDA: Unfinished Business

Recommendation: Authorize initiation of the project.

Background: The Ralph Wulz Riverside Tennis Center is a premier tennis center and has hosted numerous local and regional tennis events. The City Council has authorized previous court renovations, improvements to the pro shop, installation of signage and landscaping, and new bleachers.

Additionally, Capital Improvement Program (CIP) funds over the past several years has allowed for the replacement of numerous deteriorating asphalt tennis courts with post-tension courts. The facility is in need of replacing four sub-standard courts with post-tension concrete, new fencing, and lighting.

The Park and Recreation Department staff will seek citizen input on the renovation design concepts with the Riverside Citizen Association, the District Advisory Board (DAB), and the Park Board members for their comments and feedback on this capital improvement project.

Analysis: The vision for the tennis center is to create year-round tennis opportunities for the citizens of Wichita.

Staff seeks authorization for replacement of the four courts with three post-tension concrete courts and authorization for a design/build agreement to enclose the three courts with an inflatable dome. The 2007 Park CIP includes funding for tennis court repairs and replacements.

The City has also been awarded an EDI-Special Project HUD Grant No. B-01-SP-KS-0211 of \$429,054 for recreation projects and this grant funding has to be obligated and committed by September 30, 2006.

Financial Considerations: The 2007 Park CIP includes \$220,000 for athletic court repair, removal and/or construction. The funding source is general obligation bonds. Additionally, staff seeks approval to also use the HUD grant of \$429,054.

Goal Impact: This project will impact the Quality of Life Goal by providing citizens a quality tennis facility. The improved courts and enclosure will provide on-going recreational and competitive activities, leagues, and tournament play for Wichita citizens and visitors to enjoy.

Legal Considerations: The Law Department has approved the bonding resolution as to form.

Recommendations/Actions: It is recommended that the City Council 1) authorize initiation of the project,
2) adopt the bonding resolution, and 3) authorize all necessary signatures.

Attachments: Bonding Resolution

Agenda Item No. 26.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0823

TO: Mayor and City Council Members

SUBJECT: Airport Safety Officer Participation in Wichita Firefighter's Relief Association

INITIATED BY: The City Council and the Wichita Firefighter's Relief Association

AGENDA: Unfinished Business

Recommendation: Determine Participation of Airport Safety Officers in the Wichita Firefighter's Relief Association.

Background: At the meeting of February 7, 2006, the City Council deferred an agenda item regarding the Declaration for Participation in Firefighters Relief Fund for 2006. The item was deferred for further review and a legal opinion by the City Attorney as to whether Airport Safety Officers are eligible to participate in the Firefighter's Relief Association. On March 7, 2006, the City Council directed the City Attorney to request a determination from the Commissioner of Insurance as to whether the Airport Safety Officers of the Wichita Airport Authority are eligible to participate in the Firefighter's Relief Association.

Following the Insurance Commissioner's determination on eligibility, in May 2006, the Council requested guidance from the Attorney General regarding the issue. The Attorney General agreed that the Airport Safety Officers met the threshold necessary for eligibility in a firefighters relief association, but indicated that whether the Airport Safety Officers should be allowed to participate in the Wichita Firemen's Relief Association, established by city code, is clearly within the City of Wichita's authority to make the determination.

Analysis: The Wichita Firefighters Relief Associations is eligible to participate in the distribution of the State Firefighters Relief Fund Tax. This Firefighters Relief Fund Tax distribution is from all fire and lightning insurance premiums collected. After certain payments required by law, the balance of the fund is paid to local firefighters relief associations to be used for benefits for firemen injured, disabled, or killed in the line of duty, payment of funeral expenses, payment of a pension benefit for full-time firemen who are unfit for service after serving 20 years with the department, and to purchase insurance which would provide any of the listed benefits. The Wichita Firemen's Relief Association received \$855,076.54 in the 2004

distribution and received \$832,849.16 in the 2005 distribution. Distribution of the fund to over 575 Associations throughout the state is calculated using the valuation and population of the area the department provides fire protection. The City of Wichita has had a Wichita Firemen's Relief Association since 1896 and has participated in the State Firefighters Relief Association for more than 80 years.

Legal Considerations: The City Council has the authority to determine whether the Airport Safety Officers of the Wichita Airport Authority should be allowed to participate in the Wichita Firefighter's Relief Association. The Wichita Firefighter's Relief Association is established by City ordinance and changes to the composition of the Association would require an amendment to the ordinance, Section 2.36.010 that provides "The Wichita Firemen's Relief Association shall be composed of the regularly appointed members of the city fire department."

Financial Considerations: There will be no expense to the City.

Recommendation/Action: Determine Participation of Airport Safety Officers in the Wichita Firefighters Relief Association.

Agenda Item No. 27.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0824

TO: Mayor and City Council Members

SUBJECT: 37th St. North Improvement, between Tyler and Ridge (District V)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the revised project budget.

Background: On March 8, 2005, the City Council approved projects to improve 37th St. North, between Tyler and Ridge and replace the bridge at 37th St. North, 1,300 ft. west of Ridge. The funding source is a combination of City and Federal funds. Based on current bid prices, it is doubtful that a construction contract can be awarded within the approved budgets. Additional Federal funds, subject to approval by the Wichita Area Metropolitan Planning Organization (WAMPO), are available for most of the project increase. An amending Ordinance has been prepared to increase the project budget and to combine the two projects so the improvements can be let as one project.

Analysis: The project will reconstruct 37th St. North to build a four lane roadway with landscaped medians. The existing bridge located at the Big Slough North approximately 1,300 ft. west of Ridge will be removed and replaced with a new four lane structure.

Financial Considerations: The current budgets total \$4,400,000, with \$1,200,000 paid by the City and \$3,200,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds. The proposed increased budget is \$5,350,000, with \$1,350,000 paid by the City and \$4,000,000 paid by Federal Grants, subject to WAMPO approval. Funding for the increased City cost is available from savings in the 29th St. North, Tyler to Maize, and 13th St. Bridge at Cowskin Creek projects.

Goal Impact: This project addresses the Efficient Infrastructure goal by improving traffic flow through a major traffic corridor.

Legal Considerations: The Law Department has approved the amending Ordinance as to legal form.

Recommendations/Actions: It is recommended that the City Council approve the revised budget, place the amending Ordinance on First Reading and authorize the signing of State/Federal agreements as required.

Agenda Item No. 28.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No.06-0825

TO: Mayor and City Council

SUBJECT: Moratorium on Replat of Private Property on the Arkansas River
Riverbank

INITIATED BY: Department of Park and Recreation

AGENDA: New Business

Proposed Action: Adopt the Resolution establishing a moratorium on replatting of certain riverbank properties.

Background: The Board of Park and Recreation in meeting held on October 10, 2005 and voted to recommend to Council that a moratorium on replating of real property adjoining the Big Arkansas River be adopted until such time as Code sec. 9.28.020 may be reviewed as to its ability to accommodate planning by the City of Wichita, Visioneering, MAPC and other organizations regarding access to and recreational use of the Arkansas River.

Analysis: The City of Wichita in collaboration with the Visioneering program and MAPC is currently studying issues related to recreational use of the Arkansas River. City of Wichita Code sec. 9.28.020 places control of that portion of the Big Arkansas River that sits between the high water marks (defined in case law as “the line to which the river rises in time of ordinary high water”) with the City’s Board of Park Commissioners. On occasion an owner of private property in a developed area, which adjoins the river, requests that a replat of the property line be granted by the City. The Park Board is recommending that City Council impose a moratorium on any future replatting of property adjacent to the Big Arkansas River until such time that the ordinance may be reviewed to determine its ability to accommodate planning projects under review.

A proposed moratorium resolution has been prepared for Council consideration. The proposed resolution would establish a moratorium on both the processing of applications and the Council’s approval of any plats for property that is adjacent to the Arkansas River within the City limits. The moratorium would give City staff, the MAPC, and the Park Board time to finish its review the current ordinance and platting requirements.

The moratorium would be for up to one year, but Staff would report on the study findings to the City Council within nine months. Upon receiving a report, the Council can determine whether ordinance changes are needed or whether the moratorium should be extended or allowed to expire. The proposed resolution provides for an appeal to the City Council on a case-by-case basis to consider unique hardships that may arise under this moratorium.

Financial Consideration: There is no direct financial impact from the moratorium. Costs would be attributed to the staff time for the study and review and the deferral of revenue from plat application fees during the moratorium.

Legal Consideration: The Big Arkansas River is a navigable stream under State law and the State owns the riverbank between high water marks. The City is allowed to regulate the use of the riverbank within the City limits. Neither the City nor the Park Board will be able to change the high water mark or determine the property boundary lines or ownership between private property and the public property along with riverbanks, however. The City Council has the authority under its police powers to establish a reasonable moratorium on the processing of certain applications or grants of approval, including replatting. The Resolution has been reviewed and approved as to form by the Law Department.

Recommendation: It is recommended that the City Council concur in the recommendation of the Park Board and adopt the Resolution placing a moratorium on replatting of certain private property adjacent to the Arkansas River during the study of the replatting and River use process.

Agenda Item No. 29.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0827

TO: Mayor and City Council

SUBJECT: Request for Resolution of Support for Application for Low-Income
Housing Tax Credits; The Village Apartments (District 1)

INITIATED BY: Housing and Community Services Department

AGENDA: New Business

Recommendation: Adopt the resolution.

Background: The City has received a request from Transitional Residence Company (TRC), for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with site acquisition and renovation of an existing apartment building near 16th and Piatt. The project plan includes renovation of the existing building, and acquisition of adjacent property sufficient to construct three additional buildings. The State of Kansas requires developers/owners to obtain a Resolution of Support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board. The policy requires a subsequent review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) review the project for design appropriateness, and consistency with applicable neighborhood plans. Once the project is reviewed by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing, with a staff recommendation regarding the resolution of support for the LIHTC application.

Analysis: The project proposed by TRC involves acquisition of an existing multi-family building and adjacent sites located at 2031 E. 16th Street. TRC will serve as the developer, and H.O.P.E., Inc. (HOPE), a local non-profit organization, will be the sponsor and managing member of the Limited Liability Company that will be the owner of the project. The new project will be known as The Village Apartments. HOPE will refer potential clients for housing and will provide services to apartment residents on an "as needed" basis. The project will involve

renovation of the existing 12-unit apartment building, construction of two additional apartment buildings, and construction of a small clubhouse facility that will consist of a storm shelter, management office, exercise room, and a community gathering room, which will also be utilized as an “after school” study hall. The completed project will offer a total of 28 units, including 20 two-bedroom units and 8 three-bedroom units. The monthly rent amounts are expected to be \$395 for the two-bedroom units and \$445 for the three-bedroom apartments. Tenants will pay for electric service (units are to be all-electric), and the developer will pay for water, sewer, and trash removal.

The street bordering the project site to the north is 16th Street, which is currently not paved. The developer has indicated his intent to arrange for paving of this block through special assessments or as part of the general project cost, if possible.

The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units (in this case, six total units) for market rate tenants. HOPE and TRC are requesting waiver of this requirement, due to the following extenuating circumstances. The project will not offer amenities typically offered in market-rate apartment complexes, such as a swimming pool or covered parking. Further, project management intends to provide full-time, on-site property management, as well as a clubhouse/community room, which are not the norm for a 28-unit apartment project. Although the addition of on-site property management increases operating costs, and makes it necessary to reduce long-term debt service in order to maintain affordability of the apartment units, it is deemed to be appropriate, in light of the developer's intent to make the community room available as a study hall. Housing and Community Services is supportive of the waiver.

The City's Planning Department has provided comment regarding the proposed project, with respect to zoning compliance and consistency with the Central Northeast Neighborhood Plan. Planning has indicated that the project offers interesting design features, but does not recommend support. Planning staff does not consider the project to be consistent with the intent of the recently adopted Central Northeast Area Plan to encourage and promote owner-occupied housing initiatives. Planning also noted that 16th Street is unpaved and recommends paving of this street, if the project is to be approved.

The Office of Central Inspection (OCI) has also provided comment on the project. OCI notes that as proposed, the project has 21% fewer parking spaces than is required. Given the number of apartment units, 49 parking spaces would be required, while the site plan reflects 39 spaces. A reduction of up to 25% of the total requirement could be approved, provided that the Superintendent of Central Inspection and the Director of the Metropolitan Area Planning Department agree to do so. Further, the site plan reflects that parking would be provided along the property lines adjacent to 16th and Ash. This parking would require screening and landscaping, which is generally required to be on private property, not in a City Right-of-Way (ROW). Waivers and variances can allow a certain amount of landscaping in the ROW, provided it is maintained by the property owner.

OCI has also indicated that the site plan may have to be modified or variances provided in order

to permit construction of the community building within 6 feet of the property line on the south. A “compatibility setback” of 25 feet is required under the zoning regulations in this instance. A landscaping buffer and a solid screening fence would also be required along the south property line of the east half of the development, and the trash enclosure would have to be located 20 feet from the property line. Landscaping along the streets and in the street front yards is generally required under the landscape ordinance.

The comments provided by OCI also reflect that there may be traffic circulation/engineering concerns, particularly with the parking that is designed in such a manner so as to require drivers to back out on the streets. If the adjacent alley is to be used for traffic/parking circulation, it must be paved to City alley standards (generally concrete), unless the alley is to be vacated.

In consideration of the comments provided by Planning, Housing and Community Services believes that although the project does not promote homeownership it does eliminate a blighting influence, will pave 16th Street between Piatt and Ash, will improve the existing site, and will provide safe, clean affordable rental housing in a manner that does not require a change in the existing zoning. In this sense, Housing and Community Services staff believes the project to be consistent with the City’s revitalization goals, as the site is located within the City’s Neighborhood Revitalization Area. Housing and Community Services is therefore recommending adoption of a resolution of support by the City Council, provided that the developer can obtain the waivers and variances that will be required to complete the project.

The project has been reviewed by the Housing Services Department, and has received recommendation for adoption of the resolution of support from the DAB and the HAB with waiver of the 20% market-rate unit requirement. The District I Advisory Board approved a recommendation for adoption of the resolution of support by a 9-0 vote, and the Housing Advisory Board approved recommendation for adoption of the resolution of support by a 6-0 vote. The DCC has also approved recommendation of adoption of the resolution.

The resolution of support will not constitute final plan or design approval. If the project is awarded tax credits, the project developer must comply with all requirements associated with appropriate plan reviews required for issuance of a City building permit. These reviews will include compliance with the City of Wichita’s LIHTC Policy design guidelines. Further, the developer must comply with any additional reviews that may be requested by the City Council member in whose district the proposed project is planned.

Financial Considerations: The total project cost is estimated to be approximately \$3,713,000. The applicant intends to finance the project utilizing funding from the sale of housing tax credits, a private bank loan and financing provided through the Federal Home Loan Bank’s Affordable Housing Program. The City will not directly participate in the financing of the project.

Goal Impact: The proposed project contributes to the goal of Economic Vitality and Affordable Living.

Legal Considerations: In accordance with City Council Resolution No. R-95-479, TRC has notified property owners within 200 feet of the proposed project, in order to allow them the

opportunity to provide comment to the City Council regarding the project. City Council Resolution No. R-95-479 also requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Recommendations/Actions: It is recommended that the City Council close the public hearing, adopt the resolution of support for the TRC application for Low-Income Housing Tax Credits with waiver of the 20% market-rate requirement, subject to all local building and zoning codes, ordinances and any additional design review requirements, and authorize the necessary signatures.

Agenda Item No.30.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No.06-0828

TO: Mayor and City Council
SUBJECT: Public Comment on the 2007 Annual Operating Budget
INITIATED BY: Department of Finance
AGENDA: New Business

Recommendations: Hold a public hearing and receive public comment.

Background: On July 18, 2006, the City Manager presented his Proposed 2007/2008 Budget.

Analysis: The proposed 2007 annual operating budget is \$485,102,402 – including all Tax Increment Financing (TIF) Funds and the Self-Supporting Municipal Improvement District (SSMID) Fund. Interfund transactions and appropriated reserves increase this amount to \$582,537,352. The inclusion of expendable trust funds, as required by law, is an additional \$59,752,780 for a total of \$642,290,132. The estimated mill levy for this budget would be 31.898 mills, no change from the levy for the current 2006 Adopted Budget. The General Fund property tax levy is \$62,159,930 (including a delinquency allowance) at an estimated 21.828 mills. The levy for the Debt Service Fund is \$28,386,130 (including a delinquency allowance) and is estimated at 10.000 mills.

The proposed budget is available to the public at any City branch library, at Department of Finance offices in City Hall, or on the internet at www.wichita.gov. In addition, staff has presented the proposed budget to District Advisory Boards, as well as other community groups.

Financial Considerations: On July 18, 2006, the City Council approved the publication of the notice of the maximum dollars that may be expended in each fund, and of a mill levy of 31.898 mills, no change from the current levy, based on the estimated assessed valuation of \$2.838 billion.

Goal Impact: The adoption of the annual budget provides the funding sources for services provided in each of the five goal areas.

Legal Considerations: State statutes require a formal public hearing prior to approval of the annual operating budget and for budget amendments of published funds. This official hearing is scheduled for August 15, 2006, on which date the Council must be adopt the budget to meet the statutory deadline.

Recommendations/Actions: It is recommended that the City Council hold a public hearing and receive public comment.

Agenda Item No. 31.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0829

TO: Mayor and City Council

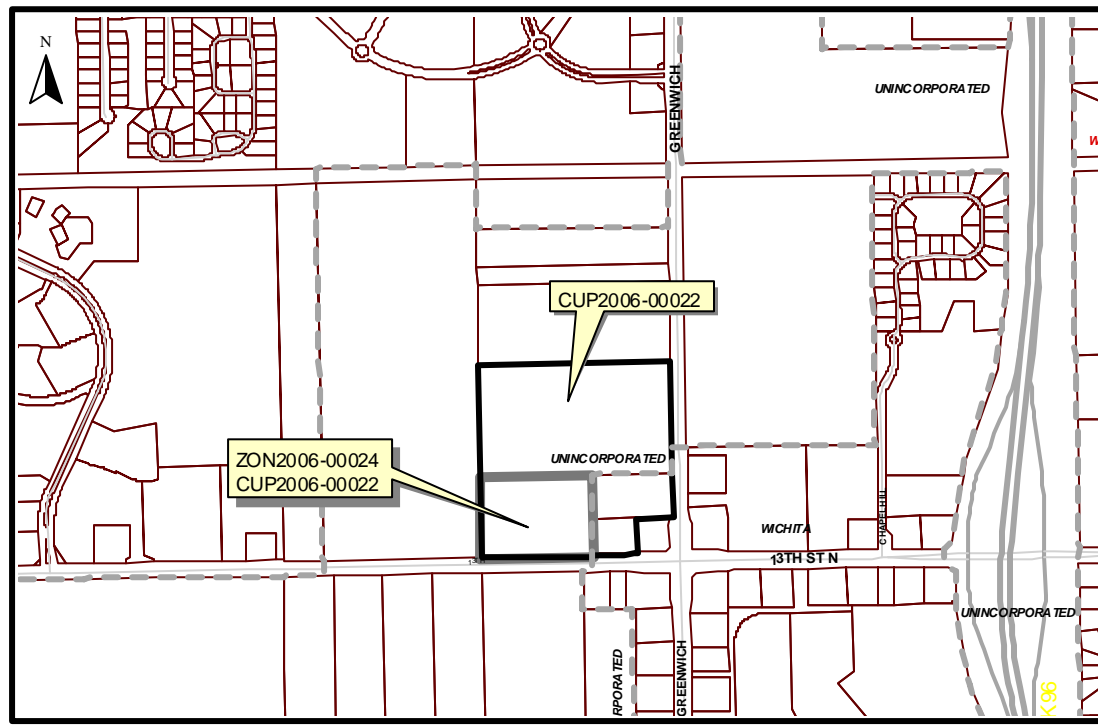
SUBJECT: CUP2006-22 Associated with ZON2006-24 – Create DP-298 Greenwich Plaza Community Unit Plan; zone change to “GC” General Commercial. Generally located north of 13th Street North and west of Greenwich Road. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to revised conditions, vote (9-3).

MAPD Staff Recommendations: Approve, subject to conditions.



Background: The applicant proposes a community unit plan containing 36 acres with seven parcels, DP-298 Greenwich Plaza Community Unit Plan (“CUP”), and requests rezoning nine acres from “SF-20” Single-family Residential to “GC” General Commercial zoning. The CUP would be located on the quarter section of land northwest of 13th Street North and Greenwich Road, except for a one-acre tract abutting the corner of the intersection. The nine acres requested for GC zoning is in the southwest corner of the CUP. The rest of the proposed CUP already is zoned “LI” Limited Industrial on the northern 21 acres and “LC” Limited Commercial on the southeastern five acres. One acre had been annexed to the City of Wichita prior to the filing of the request. The balance of the tract was annexed on July 11, 2006.

The property is located in the flight path of the Raytheon runway, which ends one-fourth mile south of 13th Street North. All of the land lies within Area A of the Airport Hazard Zone (Wichita-Sedgwick County Airport Hazard Zoning Map) and will require FAA review (FAA Form 7460-1) for any structures.

Use restrictions for the northern half and southwest quarter of the CUP (Parcels 1, 6, 7 and Parcel 2 except the eastern 540 feet) would be GC uses permitted by right except: correctional placement residences; recycling collection stations, public and private; recycling processing center; reverse vending machines; pawn shops; asphalt or concrete plants; welding or machine shops; tattooing or body piercing facilities; sexually oriented businesses and adult entertainment as defined by city code.

Use restrictions for the southeast quarter (Parcels 3, 4, 5 and the eastern 540 feet of Parcel 2) would allow those uses permitted by right in the “LC” Limited Commercial district except: correctional placement residences, vehicle storage yards, general vehicle repair, outdoor storage, pawn shops, nightclubs, asphalt or concrete plants, sexually oriented businesses and adult entertainment as defined by city code.

One potential business under consideration for Parcel 1 is an automobile dealership. Specific users have not been identified for the development.

General provisions for building coverage, height, circulation, setbacks, screening, architectural controls, lighting, landscaping and signage are given in the general provisions and parcel descriptions of the CUP.

Greenwich Road and 13th Street North are 4/5 lane arterial streets with a signalized intersection. Current (2005) traffic counts on Greenwich Road were 9,326 vehicles per day south of 13th and 7,169 north of 13th; projected 2030 traffic volumes are 22,000 vehicles per day south of 13th and 20,000 north of 13th. Current (2005) traffic counts on 13th Street North were 7,387 vehicles per day west of Greenwich and 9,755 east of Greenwich. Projected 2030 volumes for 13th Street North is 20,000 vehicles per day. Three full movement and two right-in/right-out access points are requested for both 13th Street North and Greenwich Road.

A one-acre tract of land owned by Home Bank and Trust is located immediately abutting the proposed CUP at the northwest corner of the intersection of 13th Street North and Greenwich Road. It is zoned LC and is excluded from this CUP. East of Greenwich Road, the southernmost 1/8 mile of property is approved as DP-224 Dillons 13th and Greenwich CUP and is undeveloped. The remaining 3/8 mile of property east of Greenwich and south of the railroad right-of-way is zoned SF-20 and is vacant. North of the proposed CUP, the property is zoned GI and used as for storage of old aircraft parts by Raytheon and a concrete plant. The property to the west is zoned "LI" Limited Industrial and is vacant. The property to the south is zoned LI and is the test runway for Raytheon aircraft, except for a small community unit plan, DP-254 Kiser West CUP located southwest of the corner of 13th Street North and Greenwich that is zoned LC and is vacant, except for one retail business. The property to the southeast of 13th Street North and Greenwich Road is DP-239 Gateway Center Addition CUP, commonly known as The Palazzo. It is zoned LC and is developed with a large theater, a large bowling alley, several restaurants and a hotel.

Analysis: At the MAPC meeting held July 6, 2006, the MAPC voted (9-3) to approve the CUP subject to staff comments except to scale back the recommended restrictions on uses potentially generating large concentrations of population underneath a flight path of the Raytheon runway. The restrictions recommended by MAPC was to prohibit schools, hospitals, churches, group homes, day care and all uses that attract wildlife including wet detention and ponds. No citizens were present to speak. No protests have been filed.

The recommendation is that the application be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2006-00024) to GC.
- B. APPROVE the Community Unit Plan (DP-298), subject to the following conditions:
 - 1. Schools, hospitals, churches, group homes and day care shall be prohibited.
 - 2. All uses that attract wildlife including wet detention and ponds shall be prohibited.
 - 3. No construction shall be permitted without first obtaining an FAA review (FAA Form 7460-1 or subsequent review in place thereof) by the appropriate federal agency. Freestanding wireless communication facilities shall be prohibited.
 - 4. Any vehicle storage yard shall be screened by a solid masonry wall.
 - 5. Add to General Provision #7: "Parking lot landscaping and screening shall be required for all parcels."
 - 6. Add to General Provision #8: building setbacks of 15 feet on internal property lines, 35 feet along 13th Street North and Greenwich Road, and show setbacks on CUP.
 - 7. Add to General Provision #9B: Only those signs permitted in the LC zoning district shall be permitted. No temporary display signs are permitted on any parcel developed with auto sales, including the use of commercial flags, banners, portable pennants, streamers, pinwheels, string lights, search lights, bunting and balloons, except that fixed banners affixed to light poles and not exceeding 50 square feet of material per light pole shall be permitted. Add to General Provision #9C: "billboards,"

8. Add to General Provision #22: An overall site circulation plan shall be submitted for review and approval by the Planning Director and Traffic Engineer prior to issuance of the first building permit, demonstrating smooth internal vehicular movements within the CUP. An internal drive shall be provided along the common boundary of Parcel 2 with Parcels 3-7.
9. Add a general provision to state: "On parcels used for vehicle sales, the parcels shall be limited to sales of automobiles and light-duty trucks and shall adhere to the supplementary use provisions of Article III, Sec. III-6.D.x, or such use would require an amendment of the CUP to alter these supplementary use provisions.
10. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
11. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
12. All property included within this CUP and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
13. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-298) includes special conditions for development on this property.
14. The applicant shall submit 4 revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality and Affordable Living.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the zone change subject to platting within one year and approve the CUP subject to the conditions; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

Background: The applicant has applied for vacation of the complete access control along the site's north 30-feet of its Maize Road frontage. The request will allow for a proposed 40-foot joint right in/right out drive between the subject site and the abutting northern property. There is an existing 50-foot wide joint access drive, a portion of which is located on the south 15-feet of the subject site. The proposed joint access would be 155-feet north of this described existing drive. There is another existing drive on the west side of Maize Road (across from the site) that is located approximately 100-feet south of the site. At this location, Maize Road has a center turn lane, continuous right hand turn lanes and four through lanes. There is water located in the east side of the Maize Road right-of-way (ROW), but no sewer lines or manholes. The applicant also proposes to vacate the described platted 5-foot wall. There is a platted 20-foot drainage-utility easement that runs parallel to the platted wall easement that will remain. The Chadsworth Commercial 2nd Addition was recorded with the Register of Deeds on August 14, 1995.

Analysis: The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None.

Goal Impact: Ensure efficient infrastructure.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Attachments: None.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Agenda Item No. 32.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0830

TO: Mayor and City Council

SUBJECT: VAC2006-00027 Request to vacate a portion of platted access control and a platted wall easement, generally located on the east side of Maize Road, approximately ¼ - mile north of 21st Street North.
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

Background: The applicant has applied for vacation of the complete access control along the site's north 30-feet of its Maize Road frontage. The request will allow for a proposed 40-foot joint right in/right out drive between the subject site and the abutting northern property. There is an existing 50-foot wide joint access drive, a portion of which is located on the south 15-feet of the subject site. The proposed joint access would be 155-feet north of this described existing drive. There is another existing drive on the west side of Maize Road (across from the site) that is located approximately 100-feet south of the site. At this location, Maize Road has a center turn lane, continuous right hand turn lanes and four through lanes. There is water located in the east side of the Maize Road right-of-way (ROW), but no sewer lines or manholes. The applicant also proposes to vacate the described platted 5-foot wall. There is a platted 20-foot drainage-utility easement that runs parallel to the platted wall easement that will remain. The Chadsworth Commercial 2nd Addition was recorded with the Register of Deeds on August 14, 1995.

Analysis: The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None.

Goal Impact: Ensure efficient infrastructure.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register

of Deeds.

Attachments: None.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Agenda Item No. 33.

City of Wichita
City Council Meeting
August 8, 2006

Agenda Report No. 06-0831

TO: Wichita Airport Authority

SUBJECT: Fuel Farms Study
Wichita Mid-Continent and Colonel James Jabara Airports

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the capital project.

Background: This study is identified in the Capital Improvement Program as an environmental compliance project.

Analysis: A study of both fuel farms will provide an indication of the deficiencies as well as determine short and long term planning for major maintenance and expansion. The conclusions of the study will be used to develop a follow-up construction project.

Financial Considerations: A budget of \$30,000 is established for the study, and will be funded with General Obligation Bonds paid for with airport revenue.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is promoted through initiating projects which facilitate the operations of airport tenants and the customers they serve, thereby allowing the Airport to continue to operate on a self-sustaining basis and attract business to Wichita.

Legal Considerations: The Law Department has approved the Authorizing Resolution as to legal form.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the project, adopt the resolution, and authorize the necessary signatures.

